

## HOUSE BILL NO. 280

INTRODUCED BY D. HEDGES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE GRANTING OF REDUCED-COST EASEMENTS FOR INFRASTRUCTURE IMPROVEMENTS ON STATE LANDS; AND AMENDING SECTION 77-2-106, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 77-2-106, MCA, is amended to read:

**"77-2-106. Charge for granting of easement.** (1) Except as provided in subsection (2), the the board shall charge and collect the full market value of the estate or interest disposed of through the granting of any easement and also fix, charge, and collect the amount of the actual damages resulting to the remaining land or lands from the granting of an easement as nearly as the damages can be ascertained.

(2) Pursuant to and consistent with Article X, section 11, of the Montana constitution, 77-1-601, 77-2-101, and 77-6-301, the board may grant a no-cost or a reduced-cost easement on state lands for qualifying infrastructure development that upgrades the affected state lands property. Qualifying infrastructure development under this subsection (2) includes:

(a) roads that provide access;

(b) power lines that serve the area;

(c) communication lines;

(d) water development projects, including wells or pipelines;

(e) sanitary sewer services;

(f) irrigation projects; and

(g) other infrastructure developments that improve or have the potential of improving the value of the state land, the surrounding property, or both.

(3) Easements granted for infrastructure improvements to state lands under this section are not a disposal of any land, estate, or interest of the state, but are an investment in state lands that increase or have the potential to increase the economic value of the lands to the benefit of the state."

1        NEW SECTION.    **Section 2. Severability.** If a part of [this act] is invalid, all valid parts that are  
2    severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its  
3    applications, the part remains in effect in all valid applications that are severable from the invalid  
4    applications.

5 - END -